2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Poland

1. The present report presents a general overview of steps and measures undertaken by the Republic of Poland in the implementation of the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons as a whole. The report is focused on the measures undertaken by Poland since the conclusion of the sixth Review Conference in 2000 and reflects the provisions included in the Final Document of the Conference.

Article I

2. As a part of its official foreign policy, Poland consistently encourages nuclear-weapon States to commit themselves not to assist others in acquiring nuclear weapons or to make it possible for them to do so. That is why Poland welcomed the Global Partnership against the Spread of Weapons and Materials of Mass Destruction initiative adopted at the summit of the Group of Eight held in Kananaskis, Canada, in 2002 and decided to take an active part in that initiative by establishing legal instruments for cooperation in this field with the Russian Federation and the Libyan Arab Jamahiriya and by signing the appropriate memorandum of understanding in January 2005. Poland also joined the Proliferation Security initiative, also known as the Krakow initiative, launched in May 2003, and supported the Interdiction Principles for the initiative adopted in London in October 2003. The Polish Government hosted field exercises for participants in the initiative in April 2004 in Wroclaw, and organized the first anniversary meeting on the initiative in Krakow on 31 May and 1 June 2004. A bilateral field exercise with the Czech Republic, scheduled for June 2005, is being prepared.

Article II

3. Poland remains unequivocally committed to its obligation under article II of the Treaty not to transfer, manufacture or receive control over nuclear weapons. The trade, import, export, acquisition, brokering or transport of weapons of mass destruction whether nuclear, chemical or biological weapons or their components, through the territory of the Republic of Poland are explicitly prohibited under Polish

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law. In this respect, the Atomic Law of November 2000, as amended in April 2004, and a new bill on the export control of trade in strategic goods and technologies of 2001, as amended in July 2004 must be mentioned.

4. In 2002, Poland submitted a proposal to strengthen the Warsaw Guidelines of the Nuclear Suppliers Group concerning the safety of nuclear installations and effectively supported the introduction into the Warsaw Guidelines of the reference to catch-all mechanisms in export controls.

5. Poland is also strongly engaged in the implementation of the European Union Strategy against Proliferation of Weapons of Mass Destruction, adopted in December 2003.

Article III

Safeguards

6. The agreement between Poland and the International Atomic Energy Agency (IAEA) for the application of safeguards in connection with the Treaty entered into force on 11 October 1972. The requirements of article III, paragraph 1, were therefore fulfilled with regard to Poland.

7. Poland has always underlined the importance of the process of strengthening the IAEA safeguards system, considering the additional protocols to be integral parts of the IAEA safeguards system for the treaty and mandatory for State parties to the Treaty. In line with that position, on 5 May 2000, Poland ratified the Additional Protocol to the Agreement on Safeguards between Poland and IAEA. As a consequence, a system of declarations and inspections has been introduced for entities that carry out activities in the field of nuclear energy.

8. Poland's accession to the European Union on 1 May 2004 is connected with the necessity of acceding to all the conventions and agreements binding for European Union member States. To fulfil that requirement with regard to the Treaty Poland is obliged to replace its bilateral safeguards agreement and its additional protocol with a trilateral agreement and protocol between European Atomic Energy Community, the non-nuclear weapon States of the European Union and IAEA, thus suspending the provisions of the bilateral legal instruments. At the moment the internal ratification procedure of the trilateral safeguards agreement and additional protocol are well advanced and the accession to them as well as elaboration of the relevant accounting and inspection procedures are expected to be effected in the near future.

Export control

9. Poland, being a member of both the Zangger Committee and the Nuclear Suppliers Group, implements its obligations under article III, paragraph 2, of the treaty by controlling its exports in accordance with provisions of the article not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by the article. Poland also cooperates in the framework of the exchange of

information system aimed at providing the States members of the Nuclear Suppliers Group with national control system refusals regarding dual-use products.

Article IV

10. Poland strongly supports the peaceful uses of nuclear energy. According to the medium-term national energy strategy plan, the construction of a nuclear power plant in Poland, with a capacity of approximately 3,000 MWe will be is taken into consideration in the next 15 to 20 years. Poland currently operates one nuclear research reactor. Nuclear technologies and techniques are applied in Poland in various fields (health care, industry, environmental protection, agriculture). Poland is also an active participant, both as a donor and as a recipient country, in IAEA technical cooperation programmes.

11. Nuclear safety and security questions are of utmost importance for Poland. Poland is a party to all the multilateral legal instruments created under the auspices of IAEA: the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Convention on Nuclear Safety, the Convention on the Physical Protection of Nuclear Material (Poland supports the amending process currently in its final phase) and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and always takes part in their review conferences.

Article V

12. Since it ratified the Comprehensive Nuclear-Test-Ban Treaty in 1999, Poland has constantly reiterated its firm commitment to the Treaty.

13. Poland took part in the 1999, 2001 and 2003 conferences pursuant to article XIV of the Treaty with a view to facilitating its entry into force and fully supported the Final Declaration of the 2003 conference. Poland's proactive approach to the promotion of the Comprehensive Nuclear-Test-Ban Treaty was reaffirmed at the above-mentioned forums and during the respective sessions of the First Committee of the General Assembly.

14. Poland supports the important role of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization and its provisional technical secretariat, which has a key role in successfully building an effective verification regime within the framework of the international monitoring system. In this connection, Poland has expressed its readiness to include Polish seismic stations as auxiliary stations in the international monitoring system.

Article VI

15. In accordance with the Final Document of the 2000 Review Conference, Poland would expect all nuclear-weapon States to continue their efforts aimed at achieving the long-term objective of eliminating nuclear weapons.

16. Poland welcomes the provisions of the Moscow Treaty of 2002 signed by the United States of America and the Russian Federation, which aims at significantly reducing the number of strategic warheads on both sides.

17. As regards work on nuclear disarmament at the Conference on Disarmament, the commencement of the negotiations on a fissile material cut-off treaty and its conclusion in the near future remains Poland's number one priority.

18. Poland has also actively participated in the process aimed at amending the Convention on the Physical Protection of Nuclear Material and welcomes the convening of the diplomatic conference on this matter, which is scheduled to be held in Vienna from 4 to 8 July 2005.

19. Poland also attaches great importance to the exchange of views and the decisions adopted at the General Assembly regarding nuclear disarmament and supported the following resolutions dealing with nuclear non-proliferation and disarmament:

- 57/69 — Establishment of a nuclear- weapon-free zone in Central Asia
- 59/63 — Establishment of a nuclear-weapon-free zone in the region of the Middle East
- 59/73 — Mongolia's international security and nuclear-weapon-free status
- 59/76 — A path to the total elimination of nuclear weapons
- 59/109 — Comprehensive Nuclear-Test-Ban Treaty
- 59/104 — Report of the Conference on Disarmament
- 58/48 — Measures to prevent terrorists from acquiring weapons of mass destruction
- 59/60 — Verification in all its aspects, including the role of the United Nations in the field of verification
- 59/81 — The Conference on Disarmament decision (CD/1547) of 11 August 1998 to establish, under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", and ad hoc committee to negotiate on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices
- 59/65 — Prevention of an arms race in outer space
- 59/106 — The risk of nuclear proliferation in the Middle East
- 59/85 — Nuclear-weapon-free southern hemisphere and adjacent areas
- 59/91 — The Hague Code of conduct against Ballistic Missile Proliferation
- 57/60 — United Nations study on disarmament and non-proliferation education
- 59/94 — Bilateral strategic nuclear arms reductions and the new strategic framework

20. At the forty-eighth session of the General Conference of IAEA, Poland supported the following resolutions dealing with nuclear non-proliferation and disarmament:

- GC(48)/RES/11 — Nuclear security — Measures to Protect against Nuclear Terrorism, Progress on Measures to Protect against Nuclear and Radiological Terrorism
- GC(48)/RES/14 — Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Additional Protocol
- GC(48)/RES/15 — Implementation of the NPT Safeguards Agreement between the Agency and the Democratic People's Republic of Korea
- GC(48)/RES/16 — Application of the IAEA Safeguards in the Middle East

Article VII

21. Poland welcomes the progress in arriving at and implementing nuclear-weapon-free zone agreements, in particular the accession of Cuba to the Treaty of Tlatelolco.

22. At the same time, Poland remains of the opinion that the process of developing and establishing nuclear-weapon-free zones should be strictly consistent with international law and the guidelines adopted by the Conference on Disarmament in 1998.

Article VIII

23. Poland supports the strengthened review process of the Treaty as adopted during the 1995 NPT review and extension conference. In this context, Poland follows the practice of reporting on the implementation of the Treaty as an important element of the review process. Poland is also looking forward to a substantial discussion on the format and scope of the reporting practice.

Article IX

24. Poland continues to emphasize the importance of the universalization of the Treaty and calls on countries who have not yet done so to accede to the Treaty without conditions and without further delay.

25. Poland deeply regretted the withdrawal of the Democratic People's Republic of Korea from the Treaty in 2003 and expressed its vivid concern over the announcement in February 2005 by the Democratic People's Republic of Korea that it possesses nuclear weapons.

26. As a member of the Korean Peninsula Energy Development Organization, Poland continues to urge the Democratic People's Republic of Korea to rejoin as a party to the treaty, to take part in the six-party talks, and to resume cooperation with IAEA by allowing IAEA inspectors to return to the Democratic People's Republic of Korea and to carry out inspections under the IAEA Safeguards Agreement.